

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on June 16, 2004

Date

Signature

Marianne H. Michel

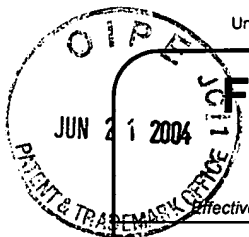
Typed or printed name of person signing Certificate

**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

- 1) Request for Continued Examination (RCE) Transmittal/1 Page (1 copy)
- 2) Fee Transmittal for FY 2004/1 Page (2 copies)
- 3) Petition for Extension of Time/1 Page (1 copy)
- 4) Amendment/15 Pages (1 copy)
- 5) Copy of ATCC Deposit/1 Page (1 copy)
- 6) Filing of an IDS/1 Page (1 copy)
- 7) IDS by Application (1449)/1 Page (1 copy)
- 8) 4 IDS Citations (A25-A28) (1 copy each)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>FEE TRANSMITTAL</b> <b>for FY 2004</b> <small>Effective 10/01/2003. Patent fees are subject to annual revision.</small>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/993,751
		Filing Date	11/16/2001
		First Named Inventor	David G. Charne
		Examiner Name	Kruse, David H.
		Art Unit	1638
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 1190		Attorney Docket No.	1311E

<b>METHOD OF PAYMENT (check all that apply)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																																	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None Order		<b>3. ADDITIONAL FEES</b>																																																																																																																																																																																																	
<input checked="" type="checkbox"/> Deposit Account:																																																																																																																																																																																																			
Deposit Account Number: 16-1852																																																																																																																																																																																																			
Deposit Account Name: Pioneer Hi-Bred International, Inc.																																																																																																																																																																																																			
The Director is authorized to: (check all that apply)																																																																																																																																																																																																			
<input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments																																																																																																																																																																																																			
<input type="checkbox"/> Charge any additional fee(s) during the pendency of this application																																																																																																																																																																																																			
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.																																																																																																																																																																																																			
<b>FEE CALCULATION</b>																																																																																																																																																																																																			
<b>1. BASIC FILING FEE</b>																																																																																																																																																																																																			
<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1001</td><td>2001</td><td>770</td><td>385</td><td>Utility filing fee</td><td></td></tr><tr><td>1002</td><td>2002</td><td>340</td><td>170</td><td>Design filing fee</td><td></td></tr><tr><td>1003</td><td>2003</td><td>530</td><td>265</td><td>Plant filing fee</td><td></td></tr><tr><td>1004</td><td>2004</td><td>770</td><td>385</td><td>Reissue filing fee</td><td></td></tr><tr><td>1005</td><td>2005</td><td>160</td><td>80</td><td>Provisional filing fee</td><td></td></tr><tr><td colspan="5"><b>SUBTOTAL (1)</b></td><td>(\$) 0</td></tr></tbody></table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1001	2001	770	385	Utility filing fee		1002	2002	340	170	Design filing fee		1003	2003	530	265	Plant filing fee		1004	2004	770	385	Reissue filing fee		1005	2005	160	80	Provisional filing fee		<b>SUBTOTAL (1)</b>					(\$) 0																																																																																																																																																								
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																														
1001	2001	770	385	Utility filing fee																																																																																																																																																																																															
1002	2002	340	170	Design filing fee																																																																																																																																																																																															
1003	2003	530	265	Plant filing fee																																																																																																																																																																																															
1004	2004	770	385	Reissue filing fee																																																																																																																																																																																															
1005	2005	160	80	Provisional filing fee																																																																																																																																																																																															
<b>SUBTOTAL (1)</b>					(\$) 0																																																																																																																																																																																														
<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>																																																																																																																																																																																																			
Total Claims: <input type="text"/> ** = <input type="text"/> X <input type="text"/> = <input type="text"/>																																																																																																																																																																																																			
Independent Claims: <input type="text"/> ** = <input type="text"/> X <input type="text"/> = <input type="text"/>																																																																																																																																																																																																			
Multiple Dependent: <input type="text"/> X <input type="text"/> = <input type="text"/>																																																																																																																																																																																																			
<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1202</td><td>2202</td><td>18</td><td>9</td><td>Claims in excess of 20</td><td></td></tr><tr><td>1201</td><td>2201</td><td>86</td><td>43</td><td>Independent claims in excess of 3</td><td></td></tr><tr><td>1203</td><td>2203</td><td>290</td><td>145</td><td>Multiple dependent claim, if not paid</td><td></td></tr><tr><td>1204</td><td>2204</td><td>86</td><td>43</td><td>** Reissue independent claims over original patent</td><td></td></tr><tr><td>1205</td><td>2205</td><td>18</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr><tr><td colspan="5"><b>SUBTOTAL (2)</b></td><td>(\$) 0</td></tr></tbody></table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1202	2202	18	9	Claims in excess of 20		1201	2201	86	43	Independent claims in excess of 3		1203	2203	290	145	Multiple dependent claim, if not paid		1204	2204	86	43	** Reissue independent claims over original patent		1205	2205	18	9	** Reissue claims in excess of 20 and over original patent		<b>SUBTOTAL (2)</b>					(\$) 0																																																																																																																																																								
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																														
1202	2202	18	9	Claims in excess of 20																																																																																																																																																																																															
1201	2201	86	43	Independent claims in excess of 3																																																																																																																																																																																															
1203	2203	290	145	Multiple dependent claim, if not paid																																																																																																																																																																																															
1204	2204	86	43	** Reissue independent claims over original patent																																																																																																																																																																																															
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																															
<b>SUBTOTAL (2)</b>					(\$) 0																																																																																																																																																																																														
**or number previously paid, if greater; For Reissues, see above																																																																																																																																																																																																			
		<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1051</td><td>2051</td><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>2052</td><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr><tr><td>1053</td><td>1053</td><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>1812</td><td>1812</td><td>2,520</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>1804</td><td>1804</td><td>920*</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1805</td><td>1,840*</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>2251</td><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>2252</td><td>420</td><td>210</td><td>Extension for reply within second month</td><td>420</td></tr><tr><td>1253</td><td>2253</td><td>950</td><td>475</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254</td><td>2254</td><td>1,480</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>2255</td><td>2,010</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401</td><td>2401</td><td>330</td><td>165</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>2402</td><td>330</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>2403</td><td>290</td><td>145</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1451</td><td>1,510</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>2452</td><td>110</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>1453</td><td>2453</td><td>1,330</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501</td><td>2501</td><td>1,330</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>1502</td><td>2502</td><td>480</td><td>240</td><td>Design issue fee</td><td></td></tr><tr><td>1503</td><td>2503</td><td>640</td><td>320</td><td>Plant issue fee</td><td></td></tr><tr><td>1460</td><td>1460</td><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>1807</td><td>1807</td><td>50</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td><td></td></tr><tr><td>1806</td><td>1806</td><td>180</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>8021</td><td>8021</td><td>40</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>1809</td><td>2809</td><td>770</td><td>385</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr><tr><td>1810</td><td>2810</td><td>770</td><td>385</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr><tr><td>1801</td><td>2801</td><td>770</td><td>385</td><td>Request for Continued Examination (RCE)</td><td>770</td></tr><tr><td>1802</td><td>1802</td><td>900</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="5">Other fee (specify) _____</td><td></td></tr><tr><td colspan="5">*Reduced by Basic Filing Fee Paid</td><td></td></tr><tr><td colspan="5"><b>SUBTOTAL (3)</b> (\$) 1190</td><td></td></tr></tbody></table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1051	2051	130	65	Surcharge - late filing fee or oath		1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet.		1053	1053	130	130	Non-English specification		1812	1812	2,520	2,520	For filing a request for reexamination		1804	1804	920*	920*	Requesting publication of SIR prior to Examiner action		1805	1805	1,840*	1,840*	Requesting publication of SIR after Examiner action		1251	2251	110	55	Extension for reply within first month		1252	2252	420	210	Extension for reply within second month	420	1253	2253	950	475	Extension for reply within third month		1254	2254	1,480	740	Extension for reply within fourth month		1255	2255	2,010	1,005	Extension for reply within fifth month		1401	2401	330	165	Notice of Appeal		1402	2402	330	165	Filing a brief in support of an appeal		1403	2403	290	145	Request for oral hearing		1451	1451	1,510	1,510	Petition to institute a public use proceeding		1452	2452	110	55	Petition to revive - unavoidable		1453	2453	1,330	665	Petition to revive - unintentional		1501	2501	1,330	665	Utility issue fee (or reissue)		1502	2502	480	240	Design issue fee		1503	2503	640	320	Plant issue fee		1460	1460	130	130	Petitions to the Commissioner		1807	1807	50	50	Processing fee under 37 CFR 1.17 (q)		1806	1806	180	180	Submission of Information Disclosure Stmt		8021	8021	40	40	Recording each patent assignment per property (times number of properties)		1809	2809	770	385	Filing a submission after final rejection (37 CFR § 1.129(a))		1810	2810	770	385	For each additional invention to be examined (37 CFR § 1.129(b))		1801	2801	770	385	Request for Continued Examination (RCE)	770	1802	1802	900	900	Request for expedited examination of a design application		Other fee (specify) _____						*Reduced by Basic Filing Fee Paid						<b>SUBTOTAL (3)</b> (\$) 1190					
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																														
1051	2051	130	65	Surcharge - late filing fee or oath																																																																																																																																																																																															
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																																															
1053	1053	130	130	Non-English specification																																																																																																																																																																																															
1812	1812	2,520	2,520	For filing a request for reexamination																																																																																																																																																																																															
1804	1804	920*	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																															
1805	1805	1,840*	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																															
1251	2251	110	55	Extension for reply within first month																																																																																																																																																																																															
1252	2252	420	210	Extension for reply within second month	420																																																																																																																																																																																														
1253	2253	950	475	Extension for reply within third month																																																																																																																																																																																															
1254	2254	1,480	740	Extension for reply within fourth month																																																																																																																																																																																															
1255	2255	2,010	1,005	Extension for reply within fifth month																																																																																																																																																																																															
1401	2401	330	165	Notice of Appeal																																																																																																																																																																																															
1402	2402	330	165	Filing a brief in support of an appeal																																																																																																																																																																																															
1403	2403	290	145	Request for oral hearing																																																																																																																																																																																															
1451	1451	1,510	1,510	Petition to institute a public use proceeding																																																																																																																																																																																															
1452	2452	110	55	Petition to revive - unavoidable																																																																																																																																																																																															
1453	2453	1,330	665	Petition to revive - unintentional																																																																																																																																																																																															
1501	2501	1,330	665	Utility issue fee (or reissue)																																																																																																																																																																																															
1502	2502	480	240	Design issue fee																																																																																																																																																																																															
1503	2503	640	320	Plant issue fee																																																																																																																																																																																															
1460	1460	130	130	Petitions to the Commissioner																																																																																																																																																																																															
1807	1807	50	50	Processing fee under 37 CFR 1.17 (q)																																																																																																																																																																																															
1806	1806	180	180	Submission of Information Disclosure Stmt																																																																																																																																																																																															
8021	8021	40	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																															
1809	2809	770	385	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																															
1810	2810	770	385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																															
1801	2801	770	385	Request for Continued Examination (RCE)	770																																																																																																																																																																																														
1802	1802	900	900	Request for expedited examination of a design application																																																																																																																																																																																															
Other fee (specify) _____																																																																																																																																																																																																			
*Reduced by Basic Filing Fee Paid																																																																																																																																																																																																			
<b>SUBTOTAL (3)</b> (\$) 1190																																																																																																																																																																																																			

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	Marianne H. Michel	Registration No. (Attorney/Agent)	35,286
Signature	<i>Marianne H. Michel</i>	Telephone	(515) 334-4467
		Date	June 16, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

*INTERNATIONAL FORM*

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2



To: (Name and Address of Depositor or Attorney)

Donahue Ernst & Young  
Attn: Melanie Rowand  
Suite 1800  
222 Bay Street  
Toronto, Ontario M5K 1H6  
CANADA

**DOCKETED**  
APR 09 2001

Deposited on Behalf of: Pioneer Hi-Bred International, Inc.

**Identification Reference by Depositor:**

Canola (rape): 46A76

Canola (rape): NS3801

Canola (rape): NS3213

**Patent Deposit Designation**

PTA-2469

PTA-2470

PTA-2471

The deposits were accompanied by:    a scientific description    a proposed taxonomic description indicated above.  
The deposits were received September 19, 2000 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST:**   X   We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.


If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested October 2, 2000. On that date, the cultures were viable.

**International Depository Authority:** American Type Culture Collection, Manassas, VA 20110-2209 USA.

**Signature of person having authority to represent ATCC:**

  
\_\_\_\_\_  
Frank Simione, Director, Patent Depository

**Date:** November 30, 2000